

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION SIX**

SEARS, ROEBUCK AND CO.<sup>1</sup>

Employer

and

**Case 6-RC-12107**

GENERAL TEAMSTERS, CHAUFFEURS AND  
HELPERS LOCAL NO. 249 a/w INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS, AFL-CIO

Petitioner

**DECISION AND DIRECTION OF ELECTION**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, a hearing was held before Dalia Belinkoff, a hearing officer of the National Labor Relations Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its powers in connection with this case to the undersigned Regional Director.<sup>2</sup>

Upon the entire record<sup>3</sup> in this case, the Regional Director finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.

---

<sup>1</sup> The name of the Employer appears as amended at the hearing.

<sup>2</sup> Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request must be received by the Board in Washington by August 29, 2002.

<sup>3</sup> The Employer and the Petitioner timely filed briefs which have been duly considered by the undersigned.

3. The labor organization involved claims to represent certain employees of the Employer.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

The Petitioner seeks to represent a unit consisting of all full-time and regular part-time automotive center trainees, customer service advisors (herein “CSAs”), service support representatives and service technicians I, II, III and IV (herein “tech I, II, III and IV”) employed by the Employer at its retail facility at Penn Center, Monroeville, Pennsylvania; excluding all office clerical employees, confidential employees, guards, other professional employees and supervisors as defined in the Act, and any other employees.<sup>4</sup>

The Employer, contrary to the Petitioner, contends that the petitioned-for unit is inappropriate as it is too limited in scope, and that the only appropriate unit must include, in addition to those sought by Petitioner, all nonsupervisory employees at the Penn Center store, with the normal exclusions. There are approximately 28 employees in the petitioned-for unit, and a total of approximately 200 employees in the entire store.<sup>5</sup> There is no history of collective bargaining for any of the employees at issue herein.

The Employer, a New York corporation with its headquarters in Kaufman Estates, Illinois, is engaged in the operation of retail department stores throughout the United States. Solely involved in this proceeding is the Employer’s department store in Monroeville, Pennsylvania, herein referred to as the Penn Center store. The Penn Center store contains two stories, with the auto center located on the upper level. There are parking lots surrounding the entire facility. David Bialota is the store general manager and is responsible for the overall

---

<sup>4</sup> The unit proposed by the Petitioner appears as amended at the hearing.

<sup>5</sup> The estimate of about 200 employees in the entire store excludes management personnel and supervisors.

operation of the facility. Reporting to Bialota are six assistant store managers (herein “ASMs”) who are each responsible for one of the store’s six divisions: Jeanette Laudner, ASM Operations; Harry Hoffman, ASM Brand Central; Laura Duff, ASM Home Improvement; Jody Yunetz, ASM Soft Lines; Richard Bell, ASM In-Store Marketing; and Chad Zrimsek, ASM Auto Center. In addition, Ceil Shanahan is the Human Resources Specialist and works under Jeanette Laudner, and Peter Maselko is the Assistant ASM in the auto center.<sup>6</sup> In addition, the various ASMs have “leads”, who are employees with some authority to make decisions in the absence of the ASM. The store general manager, ASMs and leads meet for a brief time at 10:00 a.m. and at 3:00 p.m. daily to review a check list of store standards. This same group meets weekly each Monday for three to four hours in the training room on the lower level, where a more detailed discussion of issues relating to the facility takes place.

Until about December 1994, the auto center was located in a freestanding building, located about 100 yards from the store. At that time, it was relocated to its present location at the back of the upper level of the Penn Center store. The auto center has a parking area immediately outside of the department, with a drop box where, after hours, customers can leave the keys to the vehicles they wish to have serviced. From the parking area, there are doors where one can enter the auto center sales area, and a door and several bays that open into the service area. Once inside, an individual can walk through the sales area of the auto center to other areas of the store. The paint department and sporting goods are immediately adjacent to the auto center.

The function of the auto center is to sell and install automotive parts and accessories, and to perform basic automotive service and repairs. The vast majority of the work involved in

---

<sup>6</sup> The record clearly demonstrates, and I find, that Bialota is a supervisor within the meaning of Section 2(11) of the Act based on his authority to hire, fire and responsibly direct the work of employees. The parties stipulated, and I so find, that Laudner, Hoffman, Duff, Yunetz, Bell, Zrimsek and Maselko are also supervisors within the meaning of Section 2(11) of the Act inasmuch as they have the authority, inter alia, to hire, transfer, lay off, recall, promote, discharge, adjust grievances, responsibly direct and discipline employees. Further, the record reveals that Ceil Shanahan, in her capacity as Human Resources Specialist, effectuates the Employer’s policies with regard to labor relations. The parties stipulated, and I find, that Shanahan is a confidential employee.

the auto center consists of selling and installing tires and batteries. The sales area, which is approximately 30 feet by 90 feet, displays items for sale, such as tires, batteries, wiper blades, floor mats, oil, and so forth. There is also a counter where the CSAs use computerized registers to enter the work orders and sales from the customers. Next to the sales area are the restrooms, stock area, battery storage area and customer waiting area. The restrooms are the only ones located on the upper level of the store. The customer waiting area has a television, chairs, coffee maker and vending machines. The stockroom, which holds inventory for the auto center, also contains lockers, tables and chairs, a refrigerator and a sink, and is used by the auto center employees as a break room.<sup>7</sup> There are windows in the customer waiting area so that individuals can observe the activities taking place in the service area.

The auto center hours are from 7:30 a.m. to 8:00 p.m., Mondays through Fridays; from 7:30 a.m. to 7:00 p.m. on Saturdays; and from 9:00 a.m. to 5:00 p.m. on Sundays. The rest of the store has the following hours: from 9:30 a.m. to 9:00 p.m., Mondays through Saturdays; and from 11:00 a.m. to 5:00 p.m. on Sundays. During the periods of time when the auto center is open but the rest of the store is closed, or when the auto center is closed but the rest of the store is open, a chain is placed across the opening between the auto center and the rest of the store so that customers and/or store employees cannot walk between these areas. The time records for the auto center employees only are kept on the computer in the auto center.

As described above, the ASM for the auto center is Chad Zrimsek, and Peter Maselko is the assistant ASM.<sup>8</sup> Zrimsek and Maselko are responsible for all of the scheduling of the employees in the auto center, as well as approving and scheduling of vacations. They also

---

<sup>7</sup> There is a larger employee break room located on the lower level of the store, which is used by the rest of the store employees. In its brief, the Employer asserts that employees from other departments within the store also use the break room in the auto center. However, the only testimony regarding this subject, from two employees who work in the auto center, was that neither employee had ever seen any employees from outside of the auto center using the break room there. Likewise, the auto center employees never use the break room on the lower level of the store.

<sup>8</sup> The auto center is the only division at the Penn Center store to have both an ASM and an Assistant ASM.

interview and make decisions regarding hiring for the auto center after the applicants have been screened by the Human Resources department. In addition, they evaluate the employees and are involved in discipline of employees, in cooperation with the Human Resources department and Bialota. In addition to the orientation and employee handbook provided to all new employees of the Employer, the newly hired employees in the auto center also receive a handbook only for their division. The auto center employees occasionally attend meetings of only auto center employees, but have never attended any meetings attended by other employees in the store. Of the approximately 28 full-time and regular part-time employees working in the auto center, about eight or nine of them are CSAs, about 18 or 19 of them are techs, and one is a service support representative.

The CSAs greet the customers and determine what sort of sale or service is needed. This decision may involve walking out to see the customer's vehicle, or calling on a tech to consult on the situation. Once it is determined what product the customer is buying and/or what service is needed, the CSA enters the information into the register/computer, which generates a work order. If the tech discovers a problem while working on a customer's vehicle which may involve more work and/or expense, the tech will contact the CSA, who then discusses the matter with the customer.

In order to become a CSA, the individual must pass certain written examinations after studying manuals provided by the Employer. The CSAs learn the fundamentals of auto parts and repairs, and are also trained in sales. Most, if not all, of the current CSAs started their employment with the Employer working as a tech or in the parts or stockroom of the auto center.<sup>9</sup> The CSAs in the auto center are paid a base salary of \$6.00 per hour<sup>10</sup> plus a

---

<sup>9</sup> The auto center used to have a classification of a parts employee. That classification no longer exists. Likewise, there are no longer auto center employees who work full-time in the stockroom.

<sup>10</sup> In its brief, the Employer states that the CSAs receive a base hourly rate of \$6.25 per hour. However, the record reflects that the CSAs receive \$6.00 per hour plus commission, while the hourly employees in the rest of the store, who do not receive any commission, receive \$6.25 per hour.

commission on the items they sell.<sup>11</sup> The CSA's wear a dark blue shirt with a logo on it, which is provided by the Employer.<sup>12</sup> The cash register in the auto center is computerized to generate work orders and also to keep track of the inventory for the auto center. These registers cannot ring up merchandise from other departments, nor can the registers handle merchandise bought in other departments, which a customer wishes to return.<sup>13</sup> Sales associates from other departments are not trained to operate the cash registers in the auto center.

The techs are classified as I, II, III and IV, depending on their skills and experience. Presently, there is only one tech IV employed at the Penn Center facility. The tech I position requires no previous auto repair experience. Following the general orientation for new employees provided by the Human Resources department, a newly hired tech I is given approximately two weeks of training, often at another of the Employer's auto centers in the Pittsburgh area. During this training, the tech is taught the fundamentals of tire and battery installation, as well as simple repairs and inspections. The tech II and III positions involve more skills in auto repairs and the ability to test drive and inspect vehicles. These more advanced skills are usually obtained through on-the-job training. Techs II and II are expected to be working toward "ASE" certification, which is the industry standard for service technicians.<sup>14</sup> Only the tech IV position requires the ASE certification. Zrimsek and Maselko make the decision as to when a tech is qualified to be promoted to the next level. The techs are paid a base salary plus an incentive based on the services they perform. They wear dark blue shirts and pants, which are provided by the Employer, but must provide their own tools for the job.

---

<sup>11</sup> Salespeople in certain other departments, such as tools and mattresses, also are paid a base rate plus commission.

<sup>12</sup> The only other department where the Employer provides shirts for the employees is the home improvement department, where the sales employees wear a red shirt with a logo on it.

<sup>13</sup> Merchandise from the auto center can be rung up on any cash register in the store, but merchandise from the rest of the store cannot be rung up on the cash registers in the auto center.

<sup>14</sup> ASE stands for "Automotive Service Excellence".

The auto center employs one service support representative, Mary Lundberg. Lundberg worked for several years in the parts department of the auto center before that classification was eliminated. As a service support representative, Lundberg answers the telephone for the auto center, processes parts coming into and out of the stockroom, and helps to unload pallets of items being delivered by trucks to the auto center. On occasion, Lundberg has moved a customer's car to assist the service techs. The service support representative is paid an hourly rate of about \$6.00 per hour.<sup>15</sup>

There is frequent and regular interaction between the CSAs, techs and service support representative in the auto center. This occurs in the course of their job duties as well as during breaks in the break room located in the auto center stockroom. On the other hand, there is extremely limited contact between the auto center employees and the employees in the rest of the store. Auto center employees have virtually no reason to go into the rest of the facility in the course of their work, and have their own break room and restroom located in the auto center. They park their vehicles in the parking area adjacent to the auto center and enter the auto center directly without going through the rest of the store.

Likewise, the other employees in the Employer's store park in areas other than by the auto center and have no reason to enter the auto center in the course of their job duties. Occasionally, an employee from another department will use the restroom or vending machines in the auto center, but this is not done regularly. Auto center employees almost never substitute for employees in other departments, nor do employees from other departments substitute for auto center employees.<sup>16</sup> While there have been a few instances over the years of employees transferring from the auto center to other departments in the store, the vast majority of auto

---

<sup>15</sup> In its brief, the Employer asserts that Lundberg earns \$6.25 per hour. However, the record indicates that she is paid \$6.00 per hour.

<sup>16</sup> The record reflects only one occasion where an auto center tech, Mike Gulacki, was asked to fill in for part of one day in receiving. There were no examples provided where an employee from another department was ever assigned to fill in at the auto center.

center employees have changed classifications within the auto center, primarily from parts, stockroom, or tech to CSA.

All employees at the Penn Center store apply for positions through the central Human Resources department. After being hired, all new employees attend a one-day orientation through the Human Resources department. All employees, including those in the auto center, receive the same health insurance, pension and vacation benefits. All employees are subject to the Employer's policies regarding personal conduct, safety, attendance and discipline.

The store generates a profit and loss statement once a month. Each division, including the auto center, has its own statement. The store's overall profitability determines incentive pay which is offered to management personnel, including the ASMs. Presently, the Penn Center store is working toward "conversion", which should be completed shortly. This conversion involves a reorganization of many tasks performed in the store. In the past, the individual divisions had responsibility for certain tasks such as pricing, ringing up sales, arranging displays and signs, in-store marketing, promotions and so forth. Once the conversion is completed, these tasks will be performed storewide by teams of employees. While this may affect the auto center with regard to displays and signs, the cash registers, because of the unique function performed in this division, will still be handled by auto center CSAs.

It is well established that in determining appropriate units for collective-bargaining purposes, the Act requires only that a unit be "appropriate" so as to insure to employees in each case the fullest freedom in exercising the rights guaranteed by the Act. There is nothing in the statute which requires that the unit for bargaining be the only appropriate unit, or the ultimate unit, or the most appropriate unit. Morand Brothers Beverage Co., et al., 91 NLRB 409, 418 (1950), enfd. on other grounds 190 F.2d 576 (7<sup>th</sup> Cir. 1951). See also Omni International Hotel, 283 NLRB 475 (1987) and Capital Bakers, Inc., 168 NLRB 904, 905 (1967).<sup>17</sup> In addition, the

---

<sup>17</sup> Sears Roebuck and Co., 172 NLRB 1266 (1968) also stands for this proposition. Indeed, the Board stated therein that "a unit of less than all of the employees in a mercantile operation may be appropriate." (citations omitted)



unit sought by the Petitioner is always a relevant consideration, and the Board first considers the appropriateness of the unit sought by the Petitioner. Overnite Transportation Company, 322 NLRB 723 (1996).

The Board has stressed on many occasions that the Act does not compel labor organizations to seek representation in the most comprehensive grouping of employees unless such grouping constitutes the only appropriate unit. Thus, the inquiry here is whether the unit consisting of the auto center employees, as opposed to the unit of all store employees urged by the Employer, is appropriate in the circumstances of this case. Based on the record herein, I conclude that the petitioned-for unit of auto center employees constitutes an appropriate unit.

In the instant case, I recognize that the store employees are subject to common benefits, common overall supervision by the store manager and certain common policies and procedures. Moreover, a small degree of operational and functional interchange exists among the auto center division and the other divisions in the store. These factors might militate against finding the petitioned-for unit appropriate. However, notwithstanding these factors, I find, for the reasons set forth below, that a unit limited to auto center employees is an appropriate unit for collective bargaining within the meaning of Section 9(b) of the Act.

As described above, there is a great deal of interaction between the employees in the auto center. The CSAs and techs frequently and consistently discuss vehicles with each other, both in the presence of customers and alone. The auto center employees fill in for each other when employees call off or take vacations. The record had no examples of employees from other departments ever filling in at the auto center, and only one example, for a part of one day, of an auto center employee filling in outside of the auto center. Further, the auto center employees have their own break room, which is almost never utilized by employees from other divisions. Thus, both in job function and in day-to-day interaction, the auto center employees appear to be a homogeneous group.

Moreover, the auto center employees have separate supervision, different hours from the rest of the store, separate vacation schedules, separate employee meetings, a separate and

easily identifiable work area, and job duties and products for sale that are clearly distinct from the rest of the store. The auto center employees, unlike the employees in the rest of the store, also have their own time clock and time-keeping system, their own locker room and break room, their own tools, their own employee handbook, and the auto center has a separate store identification number. Further, the auto center employees appear to have a separate and distinct group identity, and the employees in that department work interdependently to carry out the operations in the auto center. The record reflects a close relationship among the employees in the auto center, and the absence of a close relationship between the work of the auto center employees and the employees in the rest of the store. Based on the above, and the record as a whole, I find that a unit of auto center employees constitutes a functionally-integrated group with a sufficiently distinct community of interest so as to constitute an appropriate unit. Moreover, there is no bargaining history among this unit of employees, and no labor organization seeks to represent these employees as part of a broader unit.

The Board has found units limited to automotive center employees to be appropriate units. For instance, in Sears, Roebuck and Co., 261 NLRB 245 (1982), the Board reversed the Regional Director's finding that a single storewide unit was the only appropriate unit, and found that the petitioned-for unit of automotive center employees consisting of mechanics, tire and battery installers (who performed duties similar to the service technicians herein), parts employees, cashiers, service writers and a receiver in the automotive center constituted an appropriate unit.

In Sears, the Regional Director's determination that a storewide unit was appropriate was based on the role of the personnel department in hiring new employees and the common employee orientation. However, unlike the situation in the instant case, in Sears, all store employees punched the same time clock, utilized the same storewide entrance and break room, transferred on a temporary basis between departments as needed, and were required to assist customers regardless of departmental lines. There, unlike the present case, the cash registers permitted customers to select merchandise from any department and pay at the register. The

Board recognized these factors which militated against finding the requested unit of automotive center employees to be appropriate. However, the Board noted the high level of interaction between the employees within the automotive center, and the comparatively limited interaction with other store employees, such that the temporary assignment to work in other departments, assisting customers in other departments, and ringing up merchandise from other departments had minor impact on the automotive center employees' day-to-day activities. The Board found that the strong community of interest shared by the automotive center employees was evidenced by their separate immediate and second-level supervision, their different working hours and separate vacation schedules, their departmental meetings, their separate and readily-identifiable work area, and, perhaps most importantly, their separate group identity, arising from working in a recognized product line separate and distinct from that of the retail store.

The Employer argues that the Board found the unit in Sears to be an appropriate unit because it included (in addition to five other job classifications) mechanics who performed the skilled mechanical work of engine tune-ups, front-end alignments and brake overhauls. Contrary to the Employer's contention, the fact that the unit in the Sears case included mechanics was not a controlling factor; rather, the Board found that the automotive center employees as a whole had a sufficiently distinct community of interest to warrant their representation apart from the rest of the store.<sup>18</sup> Similarly, in J.C. Penney Company, 196 NLRB 446 (1972), the Petitioner sought a unit limited to the automotive service employees, and the Employer contended that only a storewide unit was appropriate. The Regional Director found, and the Board agreed, that a unit limited to the automotive service employees, which included service specialists, general servicemen, stock clerks and the service supervisor, was appropriate. Moreover, the work performed by the employees involved herein, contrary to the Employer's assertions in its brief, appears to require both skill and training, even if the training is

---

<sup>18</sup> In its brief, the Employer further argues that the instant case is distinguishable from the Sears case because of the functional integration of the management of the entire store, and because of the changes being made in the conversion. As discussed above, I find this argument unpersuasive inasmuch as those factors have a minimal effect on the day-to-day operation and function of the auto center.

provided after the employee is hired. The mounting and balancing of tires, the use of hydraulic lifts, the lubrication of automobiles, and the installation of tires and batteries, among other things, can be both dangerous and problematic if done incorrectly. Thus, while the techs may not be required to possess skills as advanced as the mechanics in the past, their job duties still require skills not ordinarily possessed by employees in other divisions.

With regard to the integration of the auto center with the rest of the store, I find the Employer's argument to be unpersuasive. While some marketing functions will now be carried out on a storewide basis once the conversion is complete, it appears that the auto center will continue to operate essentially as it always has.<sup>19</sup> David Bialota, the store general manger, stated that the conversion, which is currently taking place at the Penn Center store, would cause little, if any, change, to the structure and function of the auto center there.<sup>20</sup>

---

<sup>19</sup> Contrary to the assertion of the Employer in its brief, the cash registers in the auto center will continue to be used as before, unlike the rest of the store which will soon have center aisle cash registers rather than registers for each department. Further, the fact that a preventive maintenance technician will soon service the equipment in the auto center has no effect on my finding that the auto center employees may comprise an appropriate bargaining unit.

<sup>20</sup> I also find the Employer's reliance on the Regional Director's Decision and Direction of Election and Order in Sears, Roebuck and Co., Cases 6-RC-7618 and 6-RC-7659 to be unpersuasive, inasmuch as the issue in those cases was very different from the issue in the present case. In Case 6-RC-7618, the Petitioner Retail Clerks requested a unit consisting of all selling and nonselling employees in the Penn Center store, including those in the auto center, but not the mechanics and "floormen", who perform work similar to the technicians in the present case. In Case 6-RC-7659, the Petitioner Teamsters requested a unit of shipping, receiving, parts and stockroom employees throughout the Penn Center store, including the auto center. Thus, while each of the Petitioners in those cases requested units which included employees from throughout the store, neither Petitioner requested to include in their requested units the mechanics and floormen who worked in the auto center. Consequently, the issue in those cases with regard to the auto center employees was whether the two petitions resulted in a fragmentation of the employees into two separate units, and in some auto center employees not being represented at all. With regard to the auto center employees, the Regional Director considered whether the mechanics and floormen should be included in the store-wide unit which included the auto center salespeople. In those cases, the Employer argued that a store-wide unit sought by the Petitioner Retail Clerks was inappropriate and that the only appropriate unit should consist of the employees in all of the Employer's stores in the area. Thus, there was a completely different issue being analyzed in those cases than in the instant case. The Regional Director found, in those cases, that because there was a community of interest among all of the employees in the auto center, the mechanics and floormen, as well as the parts, stockroom and receiving employees in the auto center, should be included in the store-wide unit sought by the Petitioner Retail Clerks. There was never a finding, however, that a store-wide unit was required; rather it was the unit sought by the Petitioner. Accordingly, I find the Employer's reliance on those cases to be misplaced herein. Further, at the time when that decision issued, 25 years ago, the structure and function of the auto center as well as the Penn Center store was quite different from the way they are today. In those cases, unlike the present one, the Regional Director found a high degree of integration on a day-to-day basis between the auto center employees, whose work was located in a freestanding

Accordingly, based on the above and the record as a whole, I find that the following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time auto center employees, including automotive center trainees, customer service advisors, service support representatives and service technicians I, II, III and IV, employed by the Employer at its Penn Center, Monroeville, Pennsylvania retail store; excluding all office clerical employees, confidential employees and guards, professional employees and supervisors as defined in the Act, and all other employees.

### **DIRECTION OF ELECTION**

An election by secret ballot will be conducted by the undersigned Regional Director among the employees in the unit set forth above at the time and place set forth in the Notice of Election to be issued subsequently, subject to the Board's Rules and Regulations.<sup>21</sup> Eligible to vote are those employees in the unit who were employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were ill, on vacation or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the

---

separate building, and the employees in the rest of the store, as well as between the mechanics, floormen and salespeople in the auto center. Further, the store and the auto center exchanged auto merchandise, which was sold both in the store and in the auto center, and auto center shipping and receiving employees regularly worked in the store. Thus, I find the decision in Cases 6-RC-7618 and 6-RC-7659 regarding Sears, Roebuck and Co. to be inapposite herein, both because of the different factual situation and because of the different focus of analysis.

<sup>21</sup> Pursuant to Section 103.20 of the Board's Rules and Regulations, official Notices of Election shall be posted by the Employer in conspicuous places at least 3 full working days prior to 12:01 a.m. of the day of the election. As soon as the election arrangements are finalized, the Employer will be informed when the Notices must be posted in order to comply with the posting requirement. Failure to post the Election Notices as required shall be grounds for setting aside the election whenever proper and timely objections are filed. The Board has interpreted Section 103.20(c) as requiring an employer to notify the Regional Office at least five (5) full working days prior to 12:01 a.m. of the day of the election that it has not received copies of the election notice.

military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period and employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced.<sup>22</sup> Those eligible shall vote whether or not they desire to be represented for collective bargaining by General Teamsters, Chauffeurs and Helpers Local No. 249 a/w International Brotherhood of Teamsters, AFL-CIO.

Dated at Pittsburgh, Pennsylvania, this 15th day of August 2002.

/s/Gerald Kobell

Gerald Kobell  
Regional Director, Region Six

NATIONAL LABOR RELATIONS BOARD  
Room 1501, 1000 Liberty Avenue  
Pittsburgh, PA 15222

440-1720-0167  
440-1760-9900

---

<sup>22</sup> In order to assure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses, which may be used to communicate with them. Excelsior Underwear, Inc. 156 NLRB 1236 (1966); NLRB v. Wyman-Gordon Company, 394 U.S. 759 (1969). Accordingly, it is hereby directed that the election eligibility list, containing the full names and addresses of all eligible voters, must be filed by the Employer with the Regional Director within seven (7) days of the date of this Decision and Direction of Election. The Regional Director shall make the list available to all parties to the election. In order to be timely filed, such list must be received in the Regional Office, Room 1501, 1000 Liberty Avenue, Pittsburgh, PA 15222, on or before August 22, 2002. No extension of time to file this list may be granted, except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.